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1	EDMUND G. BROWN JR. Attorney General of California MARC D. GREENBAUM			
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4	Deputy Attorney General State Bar No. 54145			
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	·		
6	Telephone: (213) 897-2539			
.7	7 Attorneys for Complainant	÷		
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9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS			
10	STATE OF CALIFORNIA			
11	In the Matter of the Accusation Against: Case No. 2011-77			
12	Dittien, opinion in items	,		
13	4041 Radford Ave., Apt. 204 Studio City, CA 91604 ACCUSATION			
14	Registered Nurse License No. RN 732682	· ·		
15	Respondent.			
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17	17			
18	Complainant alleges:			
19	19 PARTIES	PARTIES		
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her			
21	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department			
22	of Consumer Affairs.			
23	2. On or about July 25, 2008, the Board of Registered Nursing (Board) issued			
24	Registered Nurse License No. RN 732682 to Lauren Clark Knight (Respondent). The Registered			
25	Nurse was in full force and effect at all times relevant to the charges brought herein and will			
26	26 expire on June 30, 2012, unless renewed.	expire on June 30, 2012, unless renewed.		
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 490 of the Code states:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- "(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
 - 5. Section 2750 of the Code states:

"Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this article, "license" includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein."

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6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
 - 7. Section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- "(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or

potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . ."

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

- 10. Respondent is subject to disciplinary action under section 2761, subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent has been convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse, as follows:
- a. On or about December 17, 2009, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving while under the influence of alcohol], in the criminal proceeding entitled *The People of the State of California v. Lauren Clark Knight* (Super. Ct. Los Angeles County, 2009, No. 9BR03741). Respondent was sentenced to 48 hours in custody and placed on 3 years probation with certain terms and conditions. The circumstances surrounding the conviction are that on or about November 22, 2009, Respondent side-swiped a parked vehicle in front of an establishment. Burbank Police Officers arrested Respondent for operating a motor vehicle while under the influence of alcohol.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

11. Respondent is subject to disciplinary action under section 2761, subdivision (a), as defined in section 2762, subdivision (b), in that Respondent used alcoholic beverages to extent or in a manner dangerous or injurious to herself, and others. Complainant refers to, and by this

1	reference incorporates, the allegation set forth in paragraph 10, subparagraph (a), as though set		
2	forth fully.		
3	THIRD CAUSE FOR DISCIPLINE		
4	(Conviction of Involving the Consumption of Alcohol)		
5	12. Respondent is subject to disciplinary action under section 2761, subdivision (a), as		
6	defined in section 2762, subdivision (c), in that on or about November 22, 2009, Respondent was		
7	convicted of a crime involving the consumption of alcohol. Complainant refers to, and by this		
8	reference incorporates, the allegation set forth in paragraph 10, subparagraph (a), as though set		
9	forth fully.		
10	PRAYER		
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
12	and that following the hearing, the Board issue a decision:		
13	1. Revoking or suspending Registered Nurse License No. RN 732682, issued to		
14	Respondent;		
15	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and		
16	enforcement of this case, pursuant to Business and Professions Code section 125.3; and		
17	3. Taking such other and further action as deemed necessary and proper.		
18	DATED: 17/29/10 Louise, L. Bailey		
19	DATED:		
20	Board of Registered Nursing Department of Consumer Affairs		
21	State of California Complainant		
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